

Contemplated changes in procurement rules

Safeguards for fairness, competition and quality shouldn't be discarded

THE government and the World Bank are reported to be in correspondence over the former's ongoing initiative to amend, what looks like, some major provisions of the Public Procurement Act (PPA) and Public Procurement Rules (PPR) adopted since 2006, largely at the insistence of development partners.

The government's argument for change runs like this: since strict compliance with certain conditions of PPA and PPR has had the effect of delaying implementation of development projects, that are substantially aided, such provisions do need to be amended or relaxed. Admittedly though, there is a waiver clause that can be invoked in consideration of 'national interest'. But it's evidently not being regarded as enough of a window by the present government having an ambitious ADP to implement with around 50 percent development partner support.

Of course, the reasons being cited by various project executing agencies for an amendment to the rules to speed up implementation need to be taken cognizance of by the higher authorities. And, they have to take issue with the donor community in matters concerning disbursement of project funds, if need be. At the same time, however, we must realise that not all suggestions of the development partners are bad *per se* or designed to create obstacles in the project implementation processes.

Insofar as the major provisions of PPA and PPR go, their essence clearly lies in upholding transparent procedures in the procurement of public goods and services involving billions of dollars. In contrast, for jobs up to Tk two crore what is being contemplated is to award contracts through lottery without any insistence on pre-qualification, thus seemingly offering outlets to ruling party elements. Qualification requirement is fundamental to competitive bidding, fairness of the process and equitable treatment to competitors. With scope for discretionary handling expanding, corruption can get a stimulus.

In the name of encouraging new contractors, the quality of development projects should not be made to suffer, even unwittingly. The propositions for dropping FBCCI representative from the review panel and replacing him or her by a firm representative and ministry seeking opinion of an expert before sending a proposal to the purchase committee need to be rethought, if any pick-and-choose method is to be discouraged.

Do we need to labour the point that the nation is for a public procurement policy that in a built-in way can ensure transparency, accountability and fairness in the entire purchase process, so that the quality of end-result is fully assured?

Netanyahu's bizarre offer to Palestinians

A proper two-state solution is the only way out

BENJAMIN Netanyahu has just given Palestinians every reason to reject the peace terms he has offered them. And with the Palestinians are people around the world who have consistently believed that a two-state formula, whereby Israel and a free Palestine will co-exist side by side, is the only solution to what has so long been an intractable problem. What Netanyahu has offered is, in effect, a rejection of everything that could have taken the Middle East peace process forward. He has agreed to a two-state solution, on condition that Palestine has no control over its air space and agrees to be fully demilitarized. It cannot have any defence pacts with any country and it must guarantee that Israel will never be under threat from it.

As a leading Palestinian figure has put it, what Israel's prime minister has put across is not the theme of a sovereign state for Palestinians but a protectorate of isolated cantons for them. Moreover, Netanyahu has demanded that Palestine recognise Israel, which in effect would mean that Palestinian refugees who fled from their homes in 1948 cannot any more lay claim to their property. In simple terms, the Netanyahu proposal is both arrogant and naïve. It is arrogant because the Israeli government presumes that its so-called two-state plan will be accepted by a Palestinian leadership desperate about an end to the crisis; and it is naïve because the prime minister does not seem to have taken historical circumstances into consideration. The United States may have termed the move as an important step forward, but in essence, it is a step backward. The European Union may think it is a move in the right direction. As a matter of fact, it is anything but.

Which is why Netanyahu's offer cannot and will not be taken seriously. That he had to produce a formula for peace, in however desultory and careless a fashion, under pressure from the Obama administration has never been in doubt. He can now tell his friends, once the rejection of his formula is complete, that he came up with an offer but the Palestinians shot it down. Things will thus be back to square one.

The bottomline today is clear. Increased pressure must be brought to bear on Israel to come round to the question of a proper, well fleshed-out and internationally acceptable two-state solution in the Middle East. Anything less will be pointless.

Politics, compromise and black money

To the extent that the minister speaks of the nature of politics, we agree with his perspectives on it. But we have hardly any reason to think that politics and criminality can be made to come together, to coalesce as it were, on a single platform.

SYED BADRUL AHSAN

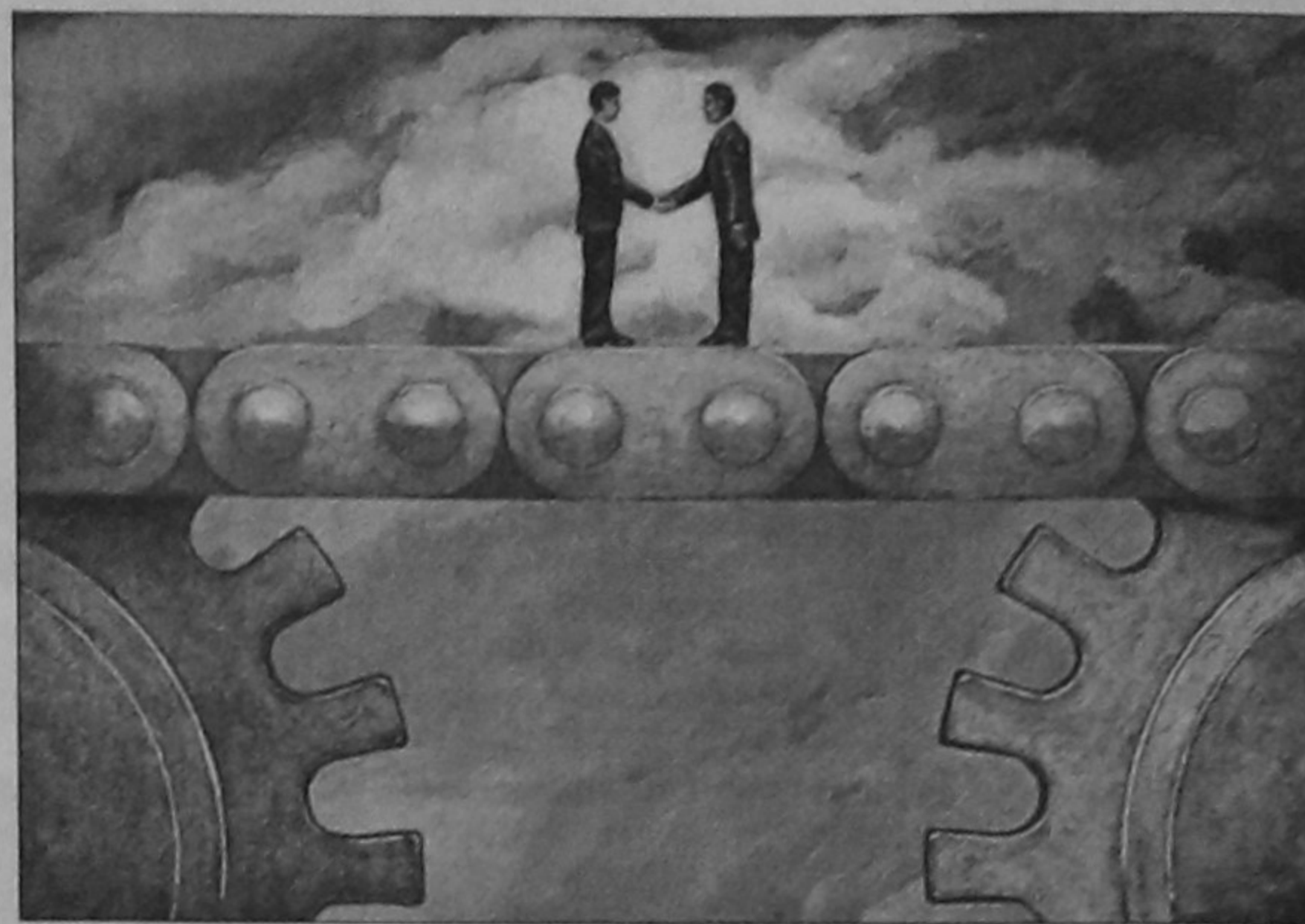
FINANCE Minister A.M.A. Muhith believes politics is the highest art of compromise. And because it is, it ought to be possible for us to understand what all this whitening of black money is all about. Of course, we do realise that politics, in our post-modern world of increasingly sharpened sensibilities, is a broad matter of compromise between opposing schools of thought. It is, as we have always known, the art of the possible. To the extent that the minister speaks of the nature of politics, we agree with his perspectives on it. But we have hardly any reason to think that politics and criminality can be made to come together, to coalesce as it were, on a single platform. Even ministers can be wrong about the calling of politics in life.

And we say that because of that little worm in the mind we know as ethics. In our childhood, we were told by our parents that honesty was what mattered in life. In school, our teachers inculcated in us values that many of us have never let go of. You do not covet wealth, especially that which is not yours. You do not steal, either as thieves in the night or as highway robbers in broad daylight. You do not lust after other men's wives. You do not send goons to occupy homes that have never been yours. You do not kidnap children and then demand ransom from their parents if they wish their babies to remain alive and well. You do not shoot men and then peddle the lie that they died in crossfire. And then there was our

faith, that foundation of existence which constantly reminded us of the existence of God, of His wrath if we so much as thought of causing harm to our neighbour and our country and our world.

That was morality. And politics drew energy and sustenance from it. Good men like Jefferson and Lincoln and Gladstone and Gandhi and Nehru -- and innumerable others of their kind -- have informed us through the centuries that integrity is the underlying principle that keeps politics going. In his time, Bangabandhu redefined our perspectives on society through drilling into our consciousness the idea that one reason we needed to move out of Pakistan was the rapacious way in which its ruling classes exploited Bengali resources and so left us all enervated. Those twenty-two families he spoke of were symbolic of grand larceny. Bangabandhu and Tajuddin Ahmed did not think that politics could reach a compromise with men whose profiteering had left an entire country wounded to the bone.

Yes, Minister Muhith is right about a definition of politics. He is wrong about politics being made a weapon to accord respectability to thieves and brigands. These men who have been hunting for dark wealth in the witching hours of the night will now be able to extend their thievery for three more years, before coughing up a mere ten percent of that ill-gotten wealth and thus joining the ranks of decent men and women. Meanwhile, over the next three years, the decent and the unscrupulous will



Oiling the wheels of corruption?

live, eat and work side by side, in clear defiance of the rules of civilised existence. Honest men will look like fools for having resisted the temptation to be bad; and criminals will simply be reinforced in their belief that when an entire, elected government overrides its own election manifesto to come to their aid, not even God can lift a finger against them. The lamb will lie down with the wolf. Honest men will sit at the same table with villains. You call that politics? You call that the art of compromise?

Politics is compromise when Yasser Arafat strikes a deal with Yitzhak Rabin. It becomes art when Anwar Sadat travels to Jerusalem on a November night to make peace with Menachem Begin. Politics transforms itself into huge possibility when Kurt-Georg Kiesinger and Willy Brandt, leading different political parties, cobble a grand coalition in the Federal Republic of Germany and lead their people into newer light.

Compromise is when Tony Blair strikes off clause four from the Labour Party charter in Britain and so makes it a party of government once more. Ask Nelson Mandela. He will tell you what political compromise is all about. It is about creating a rainbow nation out of the darkness that used to be apartheid in South Africa. Long ago, Martin Luther King, Jr. shaped dreams of the children of former slave owners and the children of former slaves one day coming together on the red hills of Georgia. That was politics of the enlightened sort.

Politics is always about the empowerment of society. It educates men and women and inspires them into strengthening the moral pillars of government. It is about putting fiendish, grasping men to flight or in jail. It is about ideas, about creativity, about nobility of thought and action.

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Civil society: Rhetoric and reality

It can be seen that to agitate for bringing down a military regime to be replaced by a civil government is one thing, and to be able to build up, bit by bit, a stable enduring civil society is another. A civil government may not necessarily provide a civil society.

M. ABDUL HAFIZ

IN Bangladesh there is growing clamour for a civil society. During the regime of the last caretaker government, it was amazing to see the proliferation of individuals and groups claiming themselves as part of civil society. Perhaps the bitter memories of protracted military rule with its concomitant curtailment of basic rights provided an incentive to civil society messiahs to articulate their demands.

Yet, expressions like "civil norm" in our administration, more "civility" in governance and founding of a "civil society," as voiced in some of the civil and military debates, ring an optimistic note for the nation's civilisational regeneration. There are signs that even after long years of military and quasi-military rule in our country, a craving for building up an enduring civil order exists.

However, a gross misperception also persists. A civil society is taken to be something opposed to the military and the efforts to achieve it seem directed against an imaginary military society, which is blamed not only for usurping state power but also condemned for not allowing the politicians to run the administration unhindered when in power. But is that all a civil society is?

A civil society is much wider a concept in social and political thought, having its origin in the Greek citystates. During the 18th century, when it was revitalised in Europe, it continued to mean simply the state, seen as encompassing, like the Greek polis, the whole realm of politics. It also meant a civilised society that ordered its relations according to the system of law rather than the whim of a despot.

Hegel, to whom we owe the modern meaning of the concept, preferred, however, to see civil society as the sphere of ethical life interposed between the family and the state. To Tocqueville, it is only the political society where there will be primary of political forces.

The concept had, however, been radicalised in the 20th century when, during its early half, Antonio Gramsci's concept of civil society found favour with those who wanted to oppose the ruling structure of the society not by direct political confrontation but by waging a cultural war -- as the "Solidarity" people did in Poland in the '80s.

Nevertheless, the western world

where the notion of a civil society finds more currency is still grappling to acquire the best standards set by 18th century theorists of the concept; which is to effect the supremacy of the civilian authority in statecraft, which needs to be an exclusive turf for the politicians. With the progress of the civilisation it was a universal human urge to live in an ambience conditioned by rule of law, norms of civility and an exercise of fundamental rights. In a civilised society all physical forces were supposed to be subordinated to the moral and ethical values. Reason and rationality guiding the destiny of mankind is indeed one of the ultimates in human civilisation.

So, a civil society is more of a civilisational objective to be achieved by a people, and not just given on the platter by anyone or any quarter. Even in the western democracies, where civil societies are in vogue, their achievement has been far from easy -- and often turbulent.

In Europe, the establishment of civil society was preceded by the Renaissance -- the great enlightenment

-- as well as the proliferation of nation states, which provided its intellectual and civilisational base.

It can thus be seen that to agitate for bringing down a military regime to be replaced by a civil government is one thing, and to be able to build up, bit by bit, a stable enduring civil society is another. A civil government may not necessarily provide a civil society.

Notwithstanding the lack of incentive or civilisational support, the people of Bangladesh showed a penchant for rule of law ever since a legal system was introduced by the British in this part of the subcontinent. They are on record as having successfully developed, nourished and sustained institutions like political parties, parliament and legislation -- some of the essential ingredients for civil rule.

Vibrant local self-government grew and an independent judiciary was upheld. As a matter fact, democracy -- an inescapable pre-requisite for a successful civil society -- struck root in this part of British India. Our war of independence was in essence to assert, among other things, our resolve to establish a civil order in the country. The flame of that desire still burns.

Yet, the country could so easily be grabbed by the military, which ruled the country for so many years. Where did our civilian leadership falter? Soul-searching enquiries need to be made into the disturbing question before we

can address the problem of a civil society in our country.

As has been indicated earlier, the establishment of a civil society is an enormous intellectual and emotional commitment. Despite a promising beginning we, as a nation, have so far miserably failed in bringing about a civil society.

Even our brave generation of politicians who spearheaded our independence couldn't deliver on it. It was a pity that the heroes of the anti-Ayub uprising as well as the veterans of the independence war panicked at the sight of a few rumbling tanks with their gun chambers empty in 1975. Again, in 1982, another brand of politicians succumbed to a wind-bag general. Why did all this happen? The politicians must do some introspection over it.

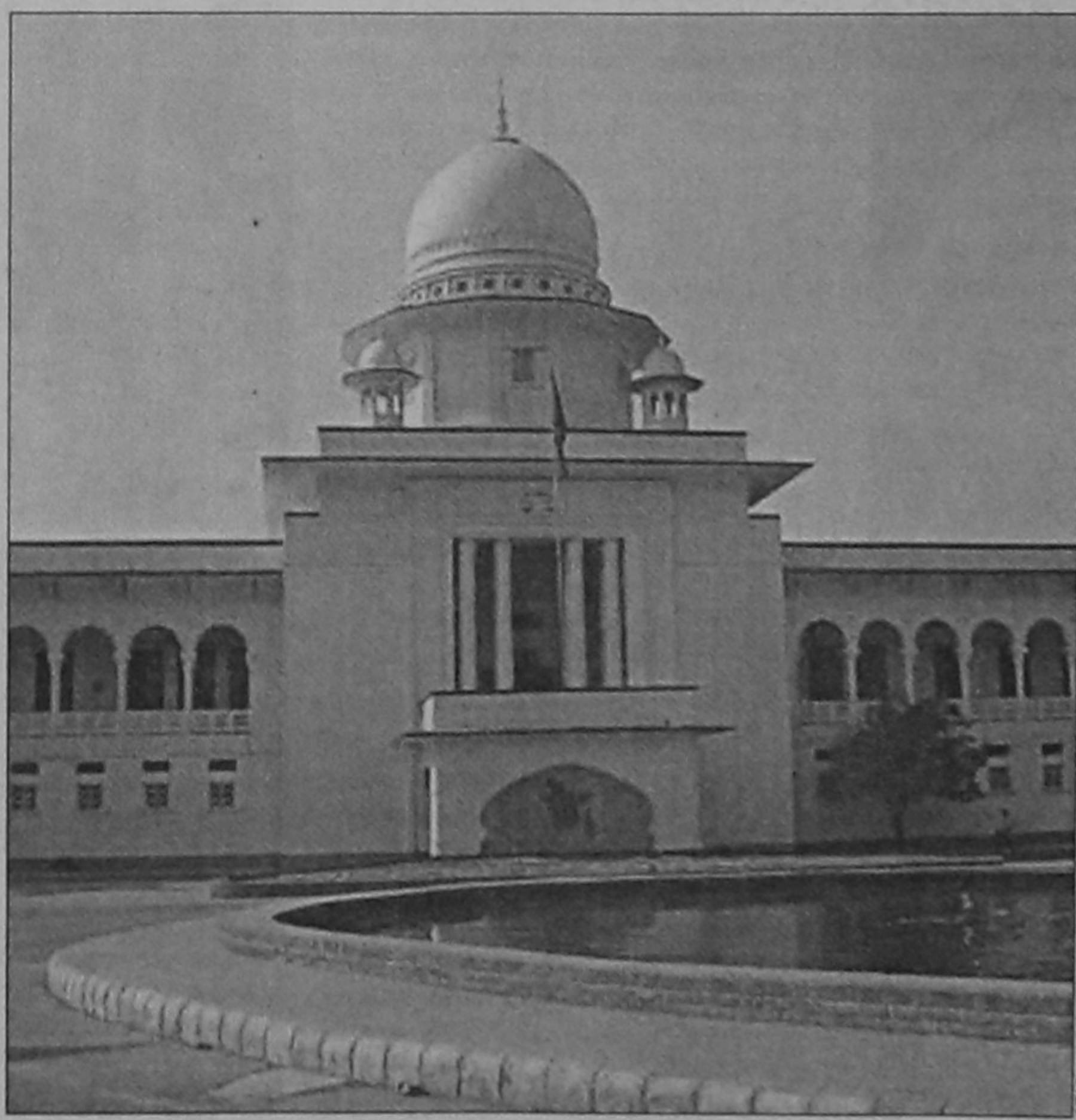
The military has often been blamed for intervening in politics. It is an irony that seldom has anyone blamed the politicians for abetting or even inviting the military to intervene so that they have some share of the spoils. Few condemn the judicial patriarchs who gave a measure of legitimacy to the military takeover by adorning the titular position at the apex. None accuses the intellectuals and otherworldly clerics who rush to pay fealty to the new master in exchange of paltry favours.

What we face today is perhaps the end result of pervasive social maladies, erosion of values, moral crises and intellectual decay, which are enough disincantive for a civil society. Moreover, today's military in our country has come to enjoy an edge over its civilian counterparts due to a variety of reasons, the prominent one being the military's coming of age.

It is now professional and mature, and an institution par excellence. It has an enlightened officer corps -- well groomed, well read and well exposed. Anyone or agency having supremacy over them will have to be more or equally efficient. The political control will have to be convincing.

The making of a civil society is not just an empty slogan. Knowledge, vision and a perspective will have to be combined in civilian political masters to be able to bring under their thrall all institutions, agencies, social forces and professional groups challenging their authority.

The services chiefs, it is said, used to be on their toes when Krishna Menon was Nehru's defence minister. Menon, for example, couldn't be bullied by the generals because he well understood the intricacies of the submarine, jet engines, and the ballistics of artillery projectiles -- apart from being an astute politician.



Rule of law is the basis of a civil society.

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